**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.1405 OF 2007**
**IN**
**NOTICE OF MOTION NO.2461 OF 2007**
**IN**
**SUIT NO.2096 OF 2006**

Nitin Gandhi & Anr. ...Plaintiffs
V/s.
Olive Vaz & Anr. ...Defendants
And
St.Anthony's Homes C.H.S. Ltd. ...Applicant

Mr.H.J. Thakkar, Advocate, i/b. Divekar & Co., for the Plaintiffs.

Mr.D.D. Madan, Sr. Counsel, a/w. Mr.P.N. Modi & Mr.S. Parikh, Advocates, i/b. Sean Wasoodeo, for the Defendants.

Mr.J. Reis, Advocate, i/b. Santosh Shetty for the Applicant.

**CORAM : S.J. VAZIFDAR, J.**

**DATE : 4TH SEPTEMBER, 2007.**

**P.C. :**

1. The Chamber Summons is taken on Board and heard finally.

2. The Chamber Summons is made absolute in terms of prayers (a) and (b). Amendment to be carried out forthwith.

3. All the Counsel appearing on behalf of the Defendants and Applicant specifically stated that they will not and in fact cannot raise the bar under Section

164 of the Maharashtra Co-operative Societies Act as it is the Applicant who has sought impleadment in the Suit. The Defendants have supported Applicant in that behalf. It is only in view thereof that the Chamber Summons has been allowed.